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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/773,581 | 02/02/2001 | Raymond Routhier | 15218-1US RM/SC/sm | 6248 |
| 20988 | 7590 | 03/24/2004 | EXAMINER | |
| OGILVY RENAULT 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA | | | TRAN, KHOA H | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3634 | |
| DATE MAILED: 03/24/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,581

Applicant(s)

ROUTHIER, RAYMOND

Examiner

Khoa Tran

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,7,8,10-13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-18 is/are allowed.
- 6) ☒ Claim(s) 1,3,7,8,10-13 and 15 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 7, 10-13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wing in view of Wood et al. Wing discloses a storage organizer system comprising a horizontal J-shaped rail (15); a pair of spaced apart upright members having hooks (12) mountable to the rail; a spacer (23-26) having a projection (25) extended rearwardly from a rear edge of the spaced apart upright member; and the spacer is spaced apart at a distance from the rail, see Figure 1. Wing does not teach an upright panel member. However, Wood et al. teach an upright panel member (14) having a plurality of spaced-apart holes (32) for receiving various rail-engaging members (40); a rail-engaging member (40) is removably securable to various vertically spaced-apart holes that locate along a vertical length of the upright panel such that the panel member can be mounted to various types of horizontal rails (16 and 80); the rail engaging member (40) is provided in a form of a bracket having a hooked end that includes a distinct rail engaging member (58, 74, 92), see Figures 3, 9, and 11, to engage with a type of rail; the bracket further includes a web member (50, 70, and 90) for attaching to a rear portion of the upright panel. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide Wing with the provision of upright panel members that have rail-engaging members as taught by

Art Unit: 3634

Wood et al. in order to have a hanging system that is versatile to hang from various types of rails and form a storage unit between shelves. With respect to claim 12, Wood et al. also teach a horizontal J-shaped rail (80) that has a second leg portion (82) at an acute angle with the first leg portion (84) see Figure 11. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the horizontal J-shaped rail of Wing with the provision a horizontal J-shaped rail as taught by Wood et al. in order to accommodate the rail engaging members of Wood et al. on the upright panels.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wing in view of Wood et al. as applied to claims 1, 3, 7, 10-13, and 15 above, and further in view of Gogan. The bracket of Wood et al. having only one arm (50) extending from the web (56) portion, see Figure 3. However, Gogan teaches a bracket having two parallel arms (36a) extend from a web portion (41a), see Figure 5. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the bracket of Wood et al. with the provision of double arms extending from the web portion as taught by Gogan in order to further secure the panel between the bracket so that to have a flush mount panel with the bracket.

Allowable Subject Matter

Claims 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 5-6 are objected to as being dependent upon a rejected base claim.

Claims 16-18 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 16-18 are allowed because there is no prior art that teaches or suggests a storage organizer possessing the entire combination of features specified by the claims. In particular, there is no teaching or suggestion of a transversal member extending across the at least two laterally spaced-apart upright panels and at least one hook mounted to the transversal member between the at least two laterally spaced-apart upright panels for engagement with the rail. See claim 4, lines 2-5, and claim 16, lines 6-9.

Response to Arguments

Applicant's arguments with respect to claims 1, 3, 7, 8, 10-13, and 15 have been considered but are moot in view of the new grounds of rejection.

The new grounds of rejection were necessitated by applicant's amendment, e.g., "a long a major portion of the length of said spaced-apart upright panels" in claim 1, lines 9-10 and "along a substantial portion of the length of the upright panels" in claim 15, line 8.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 3634

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa Tran whose telephone number is (703) 306-3437. The examiner can normally be reached on Monday through Thursday from 9:30 A.M. to 7:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for this Group before a final Office action is (703) 872-9306 and after a final Office action is (703) 872-9327.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khoa Tran

March 12, 2004

A handwritten signature in black ink that reads "Daniel P. Stodola". The signature is written in a cursive style with a large, stylized initial 'D'.

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600